

**Superior Court of Washington
County of**

In re the Marriage of:

and

Petitioner,

Respondent.

No.

**Motion/Declaration for Ex Parte
Restraining Order and for Order
to Show Cause
(MTSC)**

I. Motion

Based upon the declaration below, the undersigned moves the court for a temporary order and order to show cause.

1.1 Ex Parte Restraining Order

A temporary restraining order should be granted without written or oral notice to the other party or the other party's lawyer because immediate and irreparable injury, loss, or damage will result before other party or the other party's lawyer can be heard in opposition. This order should restrain or enjoin:

- ☐ the ☐ husband ☐ wife from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life and requiring each party to notify the other of any extraordinary expenditures made after the order is issued.
- ☐ the ☐ husband ☐ wife from disturbing the peace of the other party or of any child.
- ☐ _____ [Name] from going onto the grounds of or entering the ☐ parties' shared residence ☐ residence of _____ [Name].
_____ [Name] waives confidentiality of the address which is _____ [Address].
- ☐ the ☐ husband ☐ wife from going onto the grounds of or entering the home, work place or school of the other party or the day care or school of these children: _____
_____.

- ☐ the ☐ husband ☐ wife from knowingly coming within or knowingly remaining within _____ (distance) of the home, work place or school of the other party or the day care or school of these children:_____.
- ☐ _____[Name] from molesting, assaulting, harassing, or stalking _____ [Name]. (If the court orders this relief, the restrained person will be prohibited from possessing a firearm or ammunition under federal law for the duration of the order. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)
- ☐ the ☐ husband ☐ wife from removing any of the children from the state of Washington.
- ☐ the ☐ husband ☐ wife from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties whether medical, health, life or auto insurance.
- ☐ other:

The other party should be required to appear and show cause why these restraints should not be continued in full force and effect pending final determination of this action.

1.2 Other Ex Parte Relief

- ☐ Order that the ☐ husband ☐ wife shall be the parent with whom the child(ren) reside until the hearing.
- ☐ Other:

1.3 Surrender of Deadly Weapons

- ☐ Does not apply.
- ☐ **(If This Box Is Checked, Clear and Convincing Reasons for This Request Must Be Presented in Paragraph 2.3 Below.)** The court should require the ☐ husband ☐ wife to surrender any deadly weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of this proceeding, to his or her lawyer or to a person designated by the court.

1.4 Other Temporary Relief

- ☐ Does not apply.
- ☐ The ☐ husband ☐ wife should also be required to appear and show cause why the court should not enter a temporary order which:
- ☐ orders temporary maintenance.
- ☐ orders child support as determined pursuant to the Washington State Child Support Schedule.
- ☐ approves the parenting plan which is proposed by the ☐ husband ☐ wife.

- ☐ makes each party immediately responsible for their own future debts whether incurred by credit card or loan, security interest or mortgage.
- ☐ divides responsibility for the debts of the parties.
- ☐ authorizes the family home to be occupied by the ☐ husband ☐ wife.
- ☐ orders the use of property.
- ☐ requires the ☐ husband ☐ wife to vacate the family home.
- ☐ requires the ☐ husband ☐ wife to pay temporary attorney's fees, other professional fees and costs in the amount of \$_____ to:

- ☐ appoints a guardian ad litem on behalf of the minor children.
- ☐ other:

1.5 Other

Dated: _____

Signature of Moving Party or Lawyer/WSBA No.

Print or Type Name

II. Declaration

2.1 Injury to be Prevented

The ex parte restraining order requested in paragraph 1.1 and 1.2 above is to prevent the following injury [define the injury]:

2.2 Reasons why the Injury may be Irreparable

This injury may be irreparable because:

2.3 Clear and Convincing Reasons why Weapons Should be Surrendered

- ☐ Does not apply.
- ☐ The ☐ husband ☐ wife should be required to surrender any deadly weapons as requested in paragraph 1.3 above because of following clear and convincing reasons:

2.4 Reasons for a Temporary Order

- ☐ Does not apply.
- ☐ It is necessary that the court issue a temporary order with the relief requested in paragraph 1.4 above for the reason set forth below:

2.5 Service Member or Dependent of Service Member

- ☐ If the nonmoving party is not present and:
 - a) is on active duty and is a National Guard member or Reservist residing in Washington, or
 - b) is a dependent of a National Guard member or Reservist residing in Washington on active duty,list the reasons why this temporary order should be granted despite the absence of the other party:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at _____, [City] _____ [State] on _____ [Date].

Signature

Print or Type Name

Do not attach financial records, personal health care records or confidential reports to this declaration. Such records should be served on the other party and filed with the court using one of these cover sheets:

- 1) Sealed Financial Source Documents (WPF DRPSCU 09.0220) for financial records***
- 2) Sealed Personal Health Care Records (WPF DRPSCU 09.0260) for health records***
- 3) Sealed Confidential Report (WPF DRPSCU 09.270) for confidential reports***

If filed separately using a cover sheet, the records will be sealed to protect your privacy (although they will be available to all parties in the case, their attorneys, court personnel and certain state agencies and boards.) See GR 22(C)(2).

III. Efforts to Give Other Party Notice

The following efforts have been made to give the other party or other party's lawyer notice and the following reasons exist why notice should not be required:

Dated: _____

Signature of Moving Party or Lawyer/WSBA No.

Print or Type Name